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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,062	02/13/2002	James Lewis	1316C-073CPA	8100

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EXAMINER

RODRIGUEZ, PAMELA

ART UNIT PAPER NUMBER

3683

DATE MAILED: 06/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/075,062

Applicant(s)

LEWIS ET AL.

Examiner

Pam Rodriguez

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-23 is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-10, 13-16, 24 and 27 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 11, 12, 17, 18, 25 and 26 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Objections

1. Claim 24 is objected to because of the following informalities: in line 5 of the claim the word "position" should read --positioning--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 15, the parenthetical term "(adhering)" renders the claim indefinite because it is unclear whether the term is part of the claimed invention or not. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-4, 7-10, 13-16, 24, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al in view of Roth et al.

Regarding Claims 1, 7, and 13, Tang et al disclose a stabilizer bar assembly (see Figure 5) having most all the features of the instant invention including: a stabilizer bar 14 and a first bushing assembly 10 attached to the stabilizer bar 14 (see Figure 4).

However, Tang et al do not disclose the specifics of the first bushing having a first outer metal portion encompassing an elastomeric bushing with the claimed structural features.

Roth et al are relied upon merely for their teachings of a bushing assembly for use in a suspension assembly for a vehicle (see column 1 lines 6-7) having a first outer metal 12 disposed around a tubular bar 28, wherein the first outer metal 12 defines a first annular gap between the bar 28 and an inner surface of the first outer metal (see Figure 2 and the gap where elastomeric bushing 16 is located therein) and a first elastomeric bushing 16 disposed between the first outer metal 12 and the bar 28 within the first annular gap (see Figures 1 and 2), wherein the first elastomeric bushing has a prespecified percent compression such that all rotation between the bar and the first outer metal member causes *only* deflection of the first elastomeric bushing (see column

4 line 64-column 5 line 19), and wherein an outer surface of the first elastomeric bushing 16 is fixed to at least a portion of the inner surface of first outer metal 12 via ring 22 (see Figure 2 and column 4 lines 26-29) and an inner surface of the first elastomeric bushing is fixed to the bar 28 (see Figure 2 and column 4 lines 63-64) during all rotation of the bar with respect to the first outer metal 12 due to compression of the first elastomeric bushing 16 (see column 5 lines 20-44 and column 6 lines 10-46).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have substituted the bushing assemblies of Tang et al for the elastomeric bushing assembly of Roth et al in order to prolong the overall life of the bushing assemblies and increase their wear characteristics. By substituting the elastomeric bushing of Roth et al for the one piece elastomeric bushings of Tang et al, an outer metal jacket is provided to increase the level of compression of the inner elastomeric bushing members to decrease the overall spring rate of the bushing to better isolate higher frequency vibrations.

Regarding Claims 2, 8 and 14, Tang et al., as modified, further disclose the bushing assembly including a mounting strap 18 (see Figures 4 and 5 of Tang et al) secured to the outermost part of the bushing.

Regarding Claims 3, 9, and 15, Tang et al., as modified, disclose a second bushing assembly attached to the stabilizer bar 14 (see Figure 5 of Tang et al) having all the features of a second outer metal jacket 12 and a second elastomeric bushing 16, such that the second outer metal 12 would cause only deflection of the second elastomeric bushing as disclosed by Roth et al in claim 1 above.

Regarding Claims 4, 10, and 16, Tang et al., as modified, disclose first and second mounting straps 18 secured to the outermost portion of the bushings (see Figure 5 of Tang et al).

Regarding Claim 24, Tang discloses a method of assembling a stabilizer bar 14 (see Figure 5) comprising: providing a stabilizer bar 14, providing an interference fit between the stabilizer bar 14 and an annular bushing 10, and positioning the annular bushing 10 on the stabilizer bar 14 (see Figure 4), wherein the interference fit maintains the position of the bushing on the bar (see Figure 4).

However, Tang does not disclose assembling an outer annular metal member over the bushing and the bar by compressing the bushing between the bar and the outer annular member.

Roth et al are relied upon merely for their teachings of an annular bushing 16 having an annular outer metal member 12, wherein the outer annular metal member 12 is assembled over the bushing 16 and a bar 28 by compressing the bushing between the bar and the outer annular member (see Figure 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the bushing assemblies of Tang et al with the outer annular metal member of Roth et al in order to prolong the overall life of the bushing assemblies and increase their wear characteristics. By substituting the elastomeric bushing of Roth et al for the one piece elastomeric bushings of Tang et al, an outer metal jacket is provided to increase the level of compression of the inner

elastomeric bushing members to decrease the overall spring rate of the bushing to better isolate higher frequency vibrations.

Regarding Claim 27, see Claims 2, 8, and 14 above.

Allowable Subject Matter

3. Claims 19-23 are allowed.
4. Claims ~~5~~, ~~6~~, ~~11~~, ~~12~~, ~~17~~, ~~18~~, ~~25~~, and ~~26~~ are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pam Rodriguez whose telephone number is 703-308-3657. The examiner can normally be reached on Mondays 6 am -4 pm and Tuesdays 6 am -12 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Art Unit: 3683

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Pam Rodriguez
Primary Examiner
Art Unit 3683

6/9/03

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June 9, 2003